

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

NOEL LEE HERRING

PLAINTIFF

V.

CIVIL ACTION NO. 2:17-cv-2102-MEF

NANCY A. BERRYHILL, Acting
Commissioner Social Security Administration

DEFENDANT

FINAL JUDGMENT

This cause is before the Court on the Plaintiff's complaint for judicial review of an unfavorable final decision of the Commissioner of the Social Security Administration denying her claim for disability benefits. The parties have consented to entry of final judgment by the United States Magistrate Judge under the provisions of 28 U.S.C. § 636(c). The Court, having reviewed the administrative record, the briefs of the parties, the applicable law, and the parties having waived oral argument, finds as follows, to-wit:

Consistent with the Court's ruling from the bench, the decision of the Commissioner of Social Security is reversed and remanded for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

The Court does not find substantial evidence to support the ALJ's RFC determination in this case. Given the Plaintiff's MRI results, her physical examinations, and the fact that both of her examining physicians opined she could not sit the requisite six hours as is required for sedentary work, remand is necessary to allow the ALJ to reconsider the Plaintiff's ability to perform a full range of sedentary work.

Additionally, remand is necessary to allow the ALJ to reconsider the Plaintiff's non-exertional limitations, taking into account the significant limitations in persistence noted by Dr. Steve Shry and the moderate limitations in maintaining attention, completing a normal workday, performing at a consistent pace, responding to changes in work setting, setting realistic goals, and making plans independently of others as assessed by Dr. Kevin Santulli.

IT IS SO ORDERED AND ADJUDGED on this the 18th day of April, 2018.

/s/ Mark E. Ford
HON. MARK E. FORD
UNITED STATES MAGISTRATE JUDGE